



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:
Public Notice Number: 2004-00403-Y6
Issue Date: April 30, 2004
Expiration Date: May 30, 2004

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344).

APPLICANT: New York City Department of Sanitation
9th Floor
44 Beaver Street
New York, NY 10004-2431

ACTIVITY: Dredge with ten years maintenance and upland disposal

WATERWAY: Fresh Kills, a tributary of the Arthur Kill

LOCATION: Borough of Staten Island, Richmond County, New York

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to

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collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed work, fully described in the attached work description, could cause the disruption of habitat for various life stages of some EFH-designated species. However, the District Engineer has made the preliminary determination that the site-specific adverse effects are not likely to be substantial. Further consultation with NMFS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, 41 State Street, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.


In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York State Department of Environmental Conservation Permit

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It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (212) 264-3912 and ask for Craig Spitz.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>


Richard L. Tomer
Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, New York City Department of Sanitation, has requested Department of the Army authorization to dredge with ten years maintenance in Fresh Kills, Borough of Staten Island, Richmond County, New York with upland disposal.

The work would involve the dredging, by closed environmental bucket, of approximately 54,000 cubic yards of fine silt material, from three separate areas within the waterway designated as Reaches "A", "B" and "C" as follows:

- Reach A: Dredge an area of approximately 100,500 square feet (2.3 acres) to a depth of 17-feet below mean low water with approximately 1.5-feet allowable overdepth removing approximately 15,000 cubic yards of material.
- Reach B: Dredge an area of approximately 187,000 square feet (4.3 acres) to a depth of 17-feet below mean low water with approximately 1.5-feet allowable overdepth removing approximately 18,000 cubic yards of material.
- Reach C: Dredge an area of approximately 128,000 square feet (2.9 acres) to a depth of 15-feet below mean low water with approximately 1.5-feet allowable overdepth removing approximately 21,000 cubic yards of material.

There would be no barge overflow. The material would be loaded into scows which would subsequently be dewatered at the dredge site. Dewatering would consist of decanting excess water into an empty scow where it would be allowed to settle for 24 hours before it is discharged back into the waterway. The dewatered scows would then be transported to a processing facility where it would be stabilized and amended before being transported back to the Fresh Kills Landfill for upland placement.

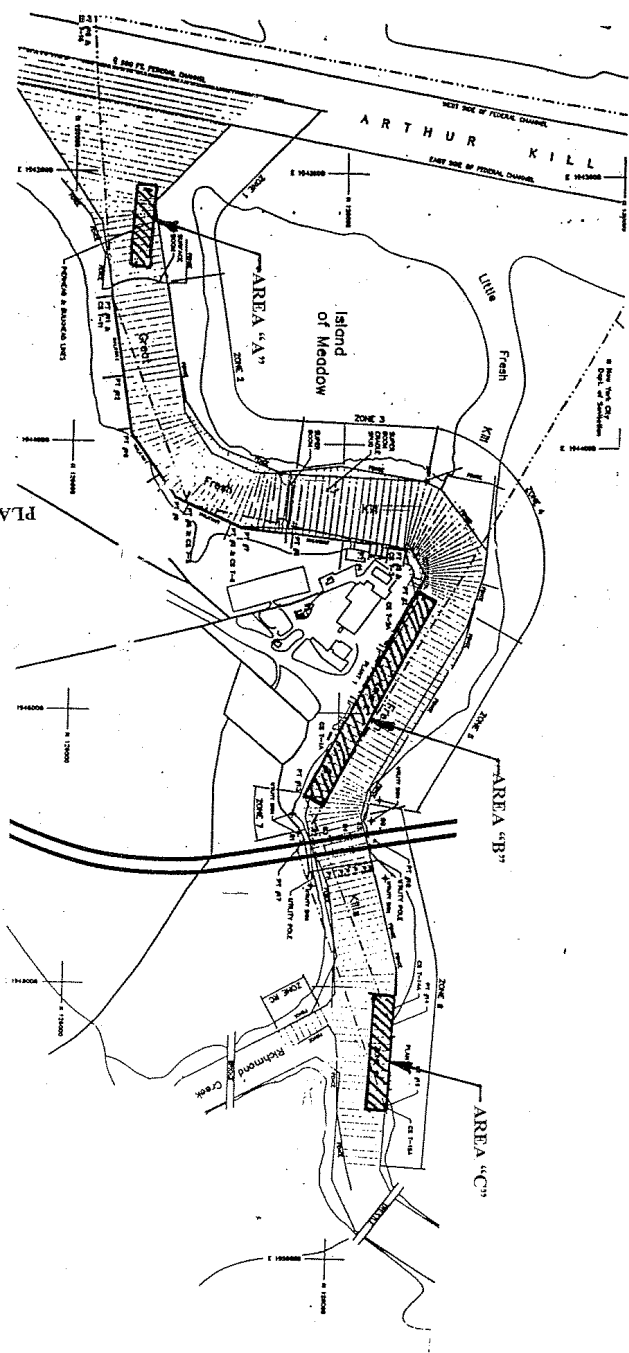
The stated purpose of the proposed work is to maintain adequate depths of water for safe navigation to barge unloading facilities. The project would facilitate the development of the Fresh Kills Site for upland beneficial use of processed dredged material as Alternate Grade Material.

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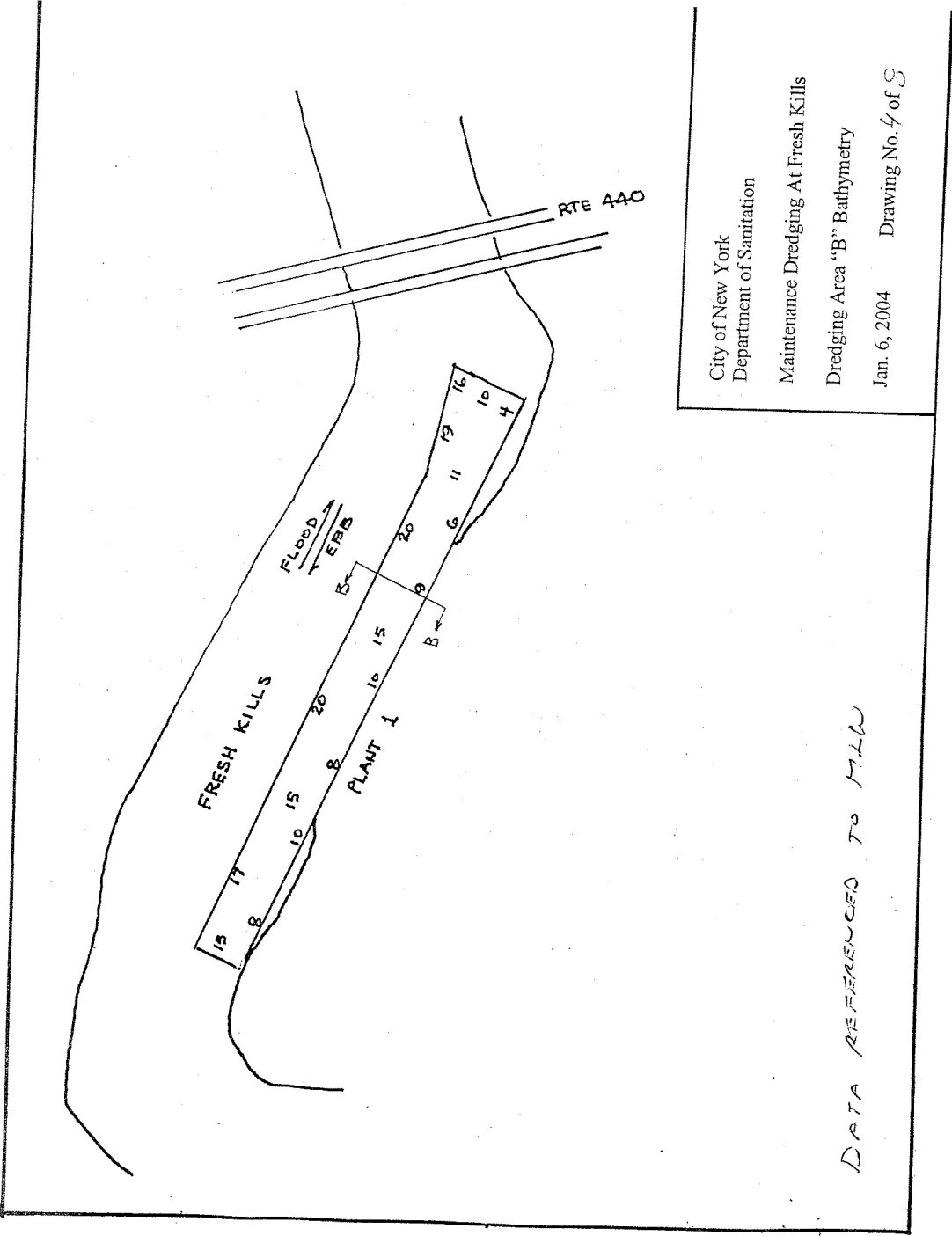
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AREA "A" = 100,500 FT² (2.3 ac)
 AREA "B" = 187,000 FT² (4.3 ac)
 AREA "C" = 128,000 FT² (2.9 ac)

PLACEMENT LOCATION

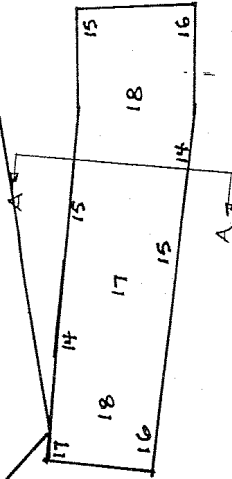


City of New York
 Department of Sanitation
 Maintenance Dredging At Fresh Kills
 Dredging Areas
 Jan. 6, 2004
 Drawing No. 2 of 8



City of New York
Department of Sanitation
Maintenance Dredging At Fresh Kills
Dredging Area "B" Bathymetry
Jan. 6, 2004 Drawing No. 4 of 5

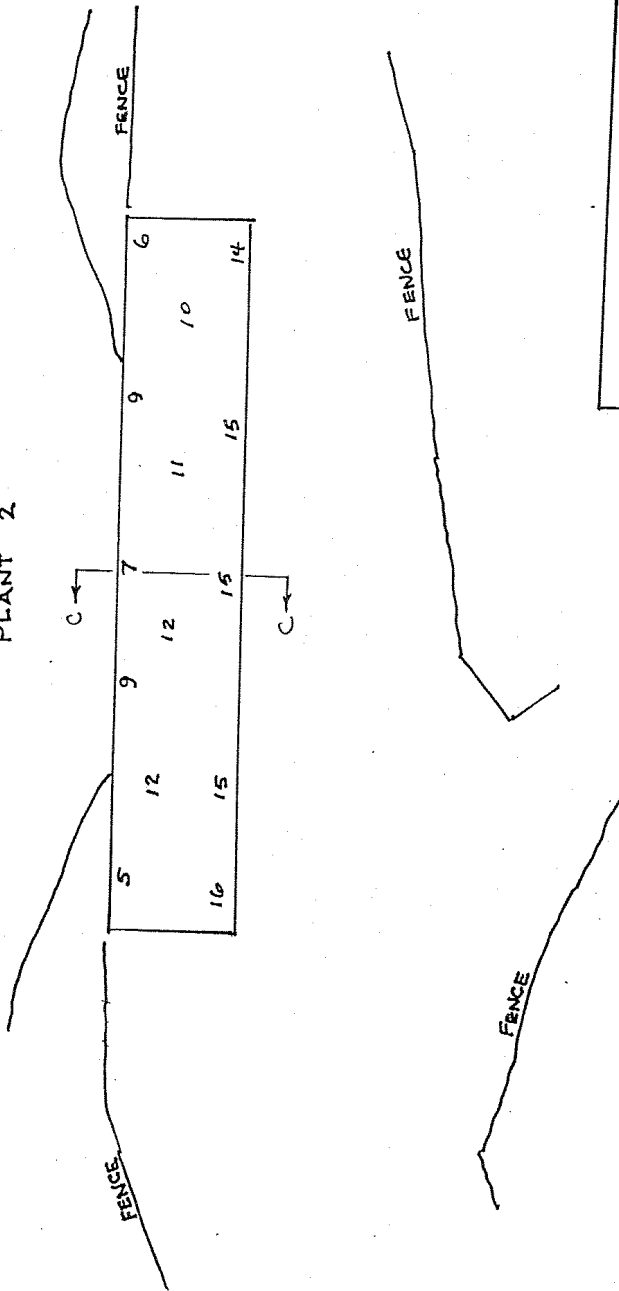
← ARTHUR KILL CHANNEL



DATUM REFERENCED TO MLLW

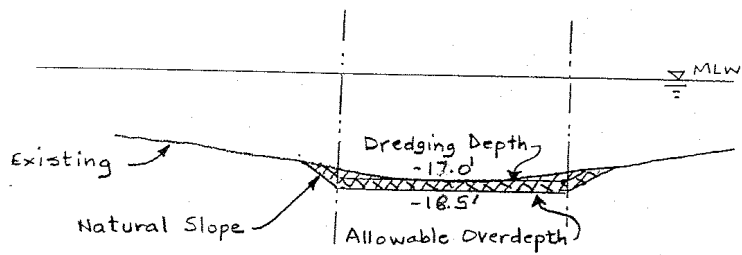
City of New York
Department of Sanitation
Maintenance Dredging At Fresh Kills
Dredging Area "A" Bathymetry
Jan. 6, 2004 Drawing No. 3 of 3

PLANT 2



City of New York
 Department of Sanitation
 Maintenance Dredging At Fresh Kills
 Dredging Area "C" Bathymetry
 Jan. 6, 2004 Drawing No. 5 of 8

DATA REFERENCED TO MLLW



SECTION A-A

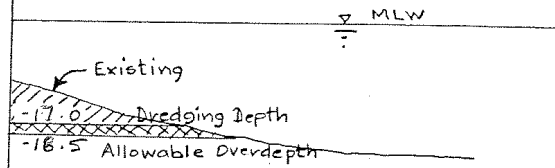
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Maintenance Dredging At Fresh Kills

Cross Section A - A

Jan. 6, 2004 Drawing No. 6 of 8

PLANT #1
WHARF



SECTION B-B

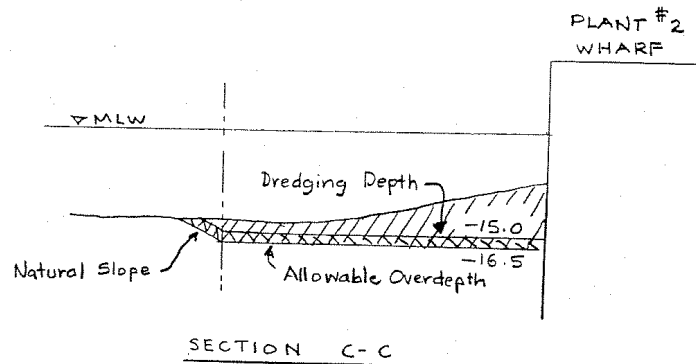
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Maintenance Dredging At Fresh Kills

Cross Section B - B

Jan. 6, 2004

Drawing No. 7 of 8



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Maintenance Dredging At Fresh Kills

Cross Section C - C

Jan. 6, 2004 Drawing No. 3 of 3